

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AWARDING A CONSTRUCTION CONTRACT TO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER, GEORGE BIANCHI CONSTRUCTION INC., IN THE AMOUNT OF \$406,299.50 AND AUTHORIZING THE DIRECTOR OF ENGINEERING/CITY ENGINEER TO NEGOTIATE AND EXECUTE CHANGE ORDER(S) IN THE CUMULATIVE AMOUNT NOT TO EXCEED \$40,000 FOR THE 2014 SOUNDWALL RENOVATION PROJECT, PROJECT NO. 4267**

**WHEREAS**, on April 21, 2015, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals for the 2014 Soundwall Renovation Project No. 4267, which provides for the replacement of an existing City-owned precast concrete soundwall adjacent to Tularcitos Creek at Hillview Drive, and for the repair and painting of the City-owned soundwall along the south side of Jacklin Road west of Hillview Drive; and

**WHEREAS**, the Engineer's Estimate for the base bid Project work was \$415,000; and

**WHEREAS**, the Project was advertised and three (3) sealed bid proposals were received on July 21, 2015. The bid pricing ranged from \$385,030 to \$449,800. One of the three bids submitted was determined to be nonresponsive. Printex Concrete Products, who submitted the lowest bid, did not possess the required Class B license from the Contractors State License Board as required by the Notice Inviting Bids. Therefore, the lowest responsible bid was submitted by George Bianchi Construction Inc. in the amount of \$406,299.50; and

**WHEREAS**, no bid protest was filed with the City within five (5) days of the bid opening as set forth in the Project plans and specifications; and

**WHEREAS**, as the Project budget contains sufficient funds to award the Project contract, staff recommends the City Council to authorize the City Manager to award to and execute a construction contract with the lowest responsible bidder for the Project in conformity with State law; and

**WHEREAS**, due to the Project's tight completion schedule and staff's ability to respond swiftly to unanticipated construction conditions in order to limit potential claims against or risk to the City, staff recommends the City Council to authorize the Director of Engineering/City Engineer to negotiate and execute change order(s) in a cumulative amount not to exceed the construction contingency established for this Project of \$40,000, which is approximately ten (10) percent of the estimated construction cost.

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby awards the construction contract to and authorizes the City Manager to execute a construction contract and related documents with the lowest responsible bidder, George Bianchi Construction Inc., for the 2014 Soundwall Renovation Project, Project No. 4267, in the amount of \$406,299.50.

3. The Director of Engineering/City Engineer is hereby authorized to negotiate and execute contract change order(s) for the 2014 Soundwall Renovation Project, Project No. 4267, in the cumulative contingency amount not to exceed \$40,000.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary M. Baum, Interim City Attorney



**CITY OF MILPITAS  
ENGINEERING DIVISION  
BID SUMMARY**

**Project Name:** 2014 Soundwall Renovation Jacklin Road & Del Rio Court  
**Project No. :** 4267  
**Bid Date:** July 21, 2015

| BASED BID |  |      |      | Engineer's Estimate |              | Printex Concrete                          |              | George Bianchi Construction |              | OnPoint Construction |              |
|-----------|--|------|------|---------------------|--------------|---|--------------|-----------------------------|--------------|----------------------|--------------|
| ITEM      | DESCRIPTION  | Qty. | UNIT | Unit Cost           | Extension    | Unit Cost                                 | Extension    | Unit Cost                   | Extension    | Unit Cost            | Extension    |
| 1         | Mobilization   | 1    | LS   | \$20,000.00         | \$20,000.00  | \$19,000.00                               | \$19,000.00  | \$5,000.00                  | \$5,000.00   | \$18,000.00          | \$18,000.00  |
| 2         | Traffic Control  | 1    | LS   | \$20,000.00         | \$20,000.00  | \$17,500.00                               | \$17,500.00  | \$17,020.00                 | \$17,020.00  | \$10,000.00          | \$10,000.00  |
| 3         | Water Pollution Control                                | 1    | LS   | \$15,000.00         | \$15,000.00  | \$35,000.00                               | \$35,000.00  | \$9,760.00                  | \$9,760.00   | \$5,800.00           | \$5,800.00   |
| 4         | Temporary Shoring and Bracing                          | 1    | LS   | \$15,000.00         | \$15,000.00  | \$13,600.00                               | \$13,600.00  | \$2,550.00                  | \$2,550.00   | \$15,000.00          | \$15,000.00  |
| 5         | Crack Repair - Epoxy Crack Injection Jacklin/Hillview  | 1    | LS   | \$25,000.00         | \$25,000.00  | \$5,000.00                                | \$5,000.00   | \$80,380.00                 | \$80,380.00  | \$35,000.00          | \$35,000.00  |
| 6         | Joint Sealing Jacklin Rd/Hillview Dr                   | 1    | LS   | \$35,000.00         | \$35,000.00  | \$5,000.00                                | \$5,000.00   | \$11,010.00                 | \$11,010.00  | \$5,000.00           | \$5,000.00   |
| 7         | Plaster Finish Jacklin Rd/Hillview Dr                  | 1    | LS   | \$20,000.00         | \$20,000.00  | \$10,000.00                               | \$10,000.00  | \$14,280.00                 | \$14,280.00  | \$18,000.00          | \$18,000.00  |
| 8         | Concrete Excavation, Cutting, Removal Surface Prep     | 1    | LS   | \$55,000.00         | \$55,000.00  | \$72,000.00                               | \$72,000.00  | \$2,500.00                  | \$2,500.00   | \$22,000.00          | \$22,000.00  |
| 9         | Painting - Jacklin Rd/Hillview Dr                      | 1    | LS   | \$25,000.00         | \$25,000.00  | \$5,000.00                                | \$5,000.00   | \$25,530.00                 | \$25,530.00  | \$36,000.00          | \$36,000.00  |
| 10        | Deferred Submittal and Building Permit - Del Rio Court | 1    | LS   | \$15,000.00         | \$15,000.00  | \$2,500.00                                | \$2,500.00   | \$3,750.00                  | \$3,750.00   | \$25,000.00          | \$25,000.00  |
| 11        | Existng Wall Demolition Del Rio Court                  | 1    | LS   | \$60,000.00         | \$60,000.00  | \$50,000.00                               | \$50,000.00  | \$117,277.00                | \$117,277.00 | \$45,000.00          | \$45,000.00  |
| 12        | Del Rio Court Soundwall                                | 1    | LS   | \$110,000.00        | \$110,000.00 | \$150,430.00                              | \$150,430.00 | \$117,242.50                | \$117,242.50 | \$215,000.00         | \$215,000.00 |
| TOTAL     |  |      |      | \$415,000.00        |              | ** \$385,030.00                           |              | \$406,299.50                |              | \$449,800.00         |              |
|           |  |      |      |                     |              | Does not possess required Class B License |              | APPARENT LOW BIDDER         |              |                      |              |

**List of Sub-Contractors**

| <b>Description</b> |          | <b>CO.</b> | <b>CO.</b>       | <b>CO.</b>       |
|--------------------|----------|------------|------------------|------------------|
|                    | Concrete |            | Printex Concrete | Printex Concrete |

**Construction Change Order Policy for 2014 Soundwall Renovation Project, Project No. 4267.**

2007 City Council Approved Construction Change Order Policy

| <b><u>Construction Award<br/>Award Amount</u></b> | <b><u>Individual Administrative<br/>Change Order Authority</u></b> | <b><u>Cumulative<br/>Change Order Authority</u></b> |
|---|--|---|
| Under \$50,000                                    | \$5,000  | \$7,500   |
| Over \$50,000                                     | 10% of Award or \$25,000<br>whichever is small                     | 15% of Award or \$100,000<br>whichever is smaller   |

2014 Soundwall Renovation Project Change Order Policy

| <b><u>Construction Award<br/>Award Amount</u></b> | <b><u>Individual Administrative<br/>Change Order Authority</u></b> | <b><u>Cumulative<br/>Change Order Authority</u></b> |
|---|--|---|
| \$406,299.50                                      | N/A  | \$40,000  |